

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SUPER VISION INTERNATIONAL, INC.,

Plaintiff

v.

COLOR KINETICS INCORPORATED,

Defendant.

Civil Action No.: 04-cv-12631 (MEL)

**COLOR KINETICS' MOTION FOR LEAVE TO FILE A  
MEMORANDUM IN SUPPORT OF  
A MOTION TO DISMISS FOR LACK OF STANDING UNDER SEAL**

Defendant Color Kinetics Incorporated ("Color Kinetics") hereby moves for leave to file, under seal, a Memorandum in Support of a Motion to Dismiss for Lack of Standing.

As grounds for this Motion, Color Kinetics states that the Motion to Dismiss makes extensive reference to, and includes as an exhibit, a document that has been designated as confidential by third party High End Systems, Inc. It is essential that the Court have access to the confidential third party materials in order to understand the issues before it.

Should this motion be allowed, Color Kinetics will file the Motion, the Memorandum, and the confidential exhibit together.

Counsel for High End Systems, Inc., the third party that was the source of the confidential materials, has assented to this motion.

Counsel for Super Vision has not responded to a request for its assent.

WHEREFORE, Color Kinetics hereby requests that its Motion For Leave to File a Memorandum in Support of a Motion to Dismiss For Lack of Standing Under Seal be ALLOWED.

Respectfully submitted,

COLOR KINETICS INCORPORATED

Dated: April 29, 2005

/s/ Emily A. Berger

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